

**Recommendations to the Department
By the Solid Waste Advisory Committee
After Revisiting Waste Reduction Proposed Draft Rule Language
May 15, 2009**

Rule Chapter 1200-01-07
Solid Waste Processing and Disposal

Amendments

Outcomes noted in Blue below reflect the disposition after discussion by the SWAC on April 14, 2009. Action on Paragraph (2) Waste Reduction will be considered at the May 15th meeting of the SWAC.

Outcomes noted in Green below reflect the disposition after discussion by the SWAC on May 15, 2009.

Paragraph (2) of Rule 1200-01-07-.01 Solid Waste Disposal Control System: General is amended by adding the following definitions alphabetically to the definitions at paragraph (2).

“Generation” means the total tonnage of Class I, Class III, and Class IV disposal and all recycled materials by local governments.

After discussion, the SWAC agreed to accept after inserting the term Calculated prior to the word Generation.

“Municipal Solid Waste” (MSW) means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that “municipal solid waste” does not include the following:

- (a) Radioactive waste;

After discussion, the SWAC agreed to accept without change as this definition is taken directly from existing TCA code language.

- (b) Hazardous waste as defined in T.C.A. §68-212-104;

- (c) Infectious wastes;

After discussion, the SWAC agreed to accept without change as this definition is taken directly from existing TCA code language.

- (d) Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and

After discussion, the SWAC agreed to accept without change as this definition is taken directly from existing TCA code language.

- (e) Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

“E-scrap” means any electronic device with a circuit board or cathode ray tube (CRT) that no longer is needed and has exceeded its desired or usable life and would be destined for disposal. This includes but not limited to CPU’s, laptops, monitors, televisions, copiers, cell phones, uninterruptable power supply (UPS) systems, and game consoles.

“Local government” means any county, municipality, city or other political subdivision of this state, including any school districts or school systems created thereby.

After discussion, the SWAC agreed that the school systems should be considered as included with the county or municipal systems as this definition is taken directly from existing TCA code language.

“Material derived fuels” means materials taken from a waste stream such as scrap tires or wood waste that can be used in the production or use as fuel for energy recovery.

After discussion the SWAC agreed to defer discussion to Part 2 Waste Reduction sub-paragraph (c) the comment to add “and landfill gas generated from the decomposition of waste.”

“Waste to energy Facility/Combustor” means a facility where recovered municipal solid waste is converted into a usable form of energy, usually through combustion.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department.

The SWAC after confirming the term for recycle, reuse, and reclaim was present in the definitions included in the rules agreed no further action was needed.

Regulatory Authority: T.C.A. §§ 68-211-102(a), 68-211-105 (b), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), and 68-211-111(d)(1).

Rule 1200-01-07-.09 Waste Disposal Reduction Goal is amended by deleted the current rule in its entirety and substituting the following, so that, as amended, the rule shall read as follows:

1200-01-07-.09 Waste ~~Disposal~~ Reduction Goal

(1) General Purpose and Applicability

~~(a) — The goal of the state is to reduce by twenty-five percent (25%) the amount of solid waste disposed of at municipal solid waste disposal facilities and incinerators by December 31, 2003, as measured on a per capita basis within Tennessee by weight. The goal shall also apply to each municipal solid waste region; but does not apply to individual disposal facilities or incinerators. Individual disposal facilities or incinerators are used only as measurement locations for assessing the achievement of a region's waste reduction efforts. As an alternative to calculating the waste reduction goal on a per capita basis, regions shall have the option of calculating the goal on an economic growth basis using the method prescribed by the Department and approved by the Municipal Solid Waste Advisory Committee.~~

(a) The goal of the state is to reduce annually the amount of solid waste going to Class I, Class III, and Class IV landfills.

The SWAC discussed the goal and agreed that it is acceptable as written but the Department should include a per capita measurement to determine if the disposal is actually going down.

(b) Any generator of Municipal Solid Waste shall reduce annually its waste going to landfills to reach a level of the maximum practicable reduction.

The SWAC agreed to insert the words “as described below” after the word generator in the subparagraph (b).

1. Municipalities and other local governments with populations greater than or equal to three thousand (3,000) people according to the most current U.S. Census Estimated Population or municipalities with a current waste management program are required to meet this goal.
 2. Unincorporated areas, municipalities and other local governments with less than three thousand (3,000) people according to the most current U.S. Census Estimated Population that do not have a current waste management program will be included under the county government's responsibility to meet this waste reduction goal.
 3. Municipalities and other local governments with less than three thousand people according to the most current U. S. Census Estimated Population that maintain a solid waste system either by contract or through public operation will be required to meet this goal.
 4. County governments are required to meet this goal.
 5. Private entities are required to meet this goal. Progress will be determined through a private sector survey as described in subparagraph (d) in this rule to benchmark recycling activity.
 6. Individuals are considered under their perspective jurisdictional government.
- (c) For the purpose of this rule, the term covered local governments shall mean all of the local governments described in parts (1)(b)1 through 4 of this rule and their agencies, boards, and other subdivisions.
- (d) All covered local governments shall meet a 20% recycling goal and reduce waste going to landfills annually. They shall accomplish this goal within five (5) years of the effective date of this rule and shall be measured using a recycling ratio formula as noted below:

The SWAC agreed that the percent goal should be revisited at the May 15, 2009 meeting to ensure that the goal is challenging yet attainable.

The SWAC revisited the percent goal, after discussion agreed that 20% was an acceptable starting point and can be recommended to the Department as is.

$$\% \text{ Reduction} = \frac{\text{Materials recycled that are controlled by the covered local government}}{\text{Total of all materials generated that are controlled by the covered local government}}$$

The SWAC agreed that the term “Reduction” be replaced with “Recycled” to maintain continuity in terminology.

- (e) The Department shall complete a survey of the private sector, to be conducted in years ending in zero (0) and five (5), to establish initially a baseline index for waste reduction and recycling activities in the private sector and then to monitor change.
1. The private sector survey will:
 - (i) Be an index type survey based on Standard Industrial Classification (or SIC) code sectors performed by the Department or its representative.
 - (ii) Identify and report barriers that interfere with the private sector's attempts to recycle.

- (iii) Be designed to facilitate data collection and reporting.
- (f) The Department shall review the waste reduction goal every five years and recommend amendments to this rule to provide a challenging, but reasonable, waste reduction goal.
- (g) Covered local governments will implement a four tier infrastructure goal to move their programs towards a fully integrated solid waste management system as defined in Table 1 of this rule. Upon reaching each tier, the next tier would become the goal for the covered local government to achieve.

The SWAC agreed to accept this section with the changes noted.

(2) Waste Reduction ~~Methods~~

- ~~(a) The Department may consider a variety of options that a region shall take into account in meeting the twenty-five percent (25%) goal. As used in rule 1200-1-7-.09, "municipal solid waste" (MSW) means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that "municipal solid waste" does not include the following:~~
 - ~~1. Radioactive waste;~~
 - ~~2. Hazardous waste as defined in T.C.A. §68-212-104;~~
 - ~~3. Infectious wastes;~~
 - ~~4. Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and~~
 - ~~5. Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.~~
- (a) Landfill Bans. Due to the dynamic nature of solid waste and the fact that the variety and availability of local markets vary, covered local governments will be responsible to implement bans on the following waste stream materials by the targeted date:
 - 1. Yard trimmings, metals, corrugated cardboard, elemental mercury, mercury containing devices, and e-scrap. Covered local governments shall adopt ordinances by July 1, 2015 that will ban these materials from being disposed in landfills with implementation to begin with two years of passage of said ordinance.

The Solid Waste Advisory Committee voted to recommend the removal of landfill bans (sub-paragraph (a) for material listed above from the proposed draft rule language.

- 2. Food scraps. Covered local governments shall adopt an ordinance by July 1, 2020 that will redirect food, food scraps and similar organic wastes from being disposed in landfills and directed to other beneficial end uses. These beneficial end uses include, but are not be limited to, meals for the needy, composting, and other similar activities. Any ordinance passed must take into account all applicable food and composting laws, ordinances, rules, regulations and policies.

The Solid Waste Advisory Committee voted to recommend the removal of Foods scraps under landfill bans sub-paragraph (a) from the proposed draft rule language.

~~(b) Waste reduction methods or activities include, but are not limited to, the following:~~

~~1. Any "municipal solid waste" diverted from a Class I disposal facility to a Class III or Class IV disposal facility as provided under rules 1200-1-7-.01 through 1200-1-7-.04 adopted pursuant to the provisions of T.C.A. Title 68, Chapter 241, Part 4.~~

(b) Class III and Class IV materials. Materials received at a Class III or Class IV landfills are not considered toward the waste reduction goal unless the materials are recycled or used for beneficial use activities, including but not limited to use as alternate daily cover (ADC) at landfills.

(c) Energy recovery and production. Materials redirected for energy recovery and production shall be considered waste reduction.

1. To calculate the tons of waste reduction the following formula shall apply:

$$T^i - T^o = T^d$$

Where:

T^i = tons of raw material input into the energy recovery system;

T^o = tons of residual material output from the energy recovery system; and

T^d = tons diverted.

2. Waste incinerated where the primary purpose is not energy recovery is not considered waste reduction.

~~2-(d) Composting of "municipal solid waste". The composting of municipal solid waste must have a market for such composted product in order to be considered as a method for waste reduction. Only the portion of composted municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.~~

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

~~3-(e)~~ Recycling. Recycling constitutes a method of waste reduction so long as the recovered materials are marketed for recycling, or are stored for recycling at a solid waste management facility and at least seventy-five percent (75%) of the stored material must be marketed within the succeeding twelve (12) months. The following processes shall not be considered as marketing of recyclable materials nor counted toward the ~~25%~~ waste reduction goal:

~~(i)~~1. Collection or material handling in preparation for buyers ~~pending market~~.

~~(ii)~~2. Storage of unprocessed or processed materials. Unprocessed municipal solid waste is not considered as being recyclable ~~pending market~~.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

4-(f) Source reduction of "municipal solid waste". Source reduction measures as a method of waste reduction may include industrial process modification, feedstock substitutions or improvements in feedstock purity, various housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

~~(i)1.~~ Source reduction may also include reduction in the amount and toxicity of waste generated by residential and commercial sectors, through such measures as product substitution, home composting and recycling.

~~(ii)2.~~ Source reduction may also be achieved through the encouragement of consumer habits that include the selection of products that have reduced and recyclable packaging, and the re-use of durable goods.

~~5. Problem waste diversion. The diversion of waste tires, used oil, lead-acid batteries, paints and other problem waste, as determined and identified by the Department, from a Class I disposal facility for recycling constitutes waste reduction. Problem wastes diverted from a Class I disposal facility and stored for recycling at a municipal solid waste management facility until marketed qualifies as waste reduction when diverted.~~

~~6.(g) Mulching of "municipal solid waste". Any non-treated wood waste that may be converted to a mulch must have a market in order to be considered as a method for waste reduction. Only the portion of mulch made from municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.~~

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

~~(h) The Department shall prepare waste reduction best management practices that covered local governments will implement as needed to attain the statewide waste reduction and local recycling goals.~~

~~(i) New or expanded solid waste facilities. Operators of solid waste facilities seeking to apply, renew, or expand a current permit, pursuant to Rule 1200-01-01-.02, shall implement a plan to partner with the local government in the jurisdiction where the facility is located to reduce and recycle the waste stream as part of their permit conditions.~~

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department with the insertion of "strongly be encouraged to" after the word "shall" in sub paragraph j.

Such plan shall include:

- ~~1. Methods to assist in the establishment of recycling collection points;~~
- ~~2. Programs promoting recycling and waste reduction;~~
- ~~3. Assistance to local governments in implementing local material bans; and~~
- ~~4. Information on recycling for the local governments that utilize the facility.~~

(3) ~~Region's~~ Waste Reduction Plan

~~(a) All covered local governments shall prepare and implement a waste reduction plan. Municipalities shall submit a copy of the plan to the county who will then submit an aggregated copy of all plans to the municipal solid waste planning region for submission to the Department.~~

~~(a)(b) A region's covered local government's waste reduction plan shall be consistent with T.C.A. § 68-211-815, the municipal solid waste planning region's plan, the guidelines~~

issued by the ~~Division~~ Department, and the State's solid waste reduction plan. Such a plan shall explain the ~~region's~~ covered local government's waste reduction methods, strategies, and timetables for implementation. The ~~region's~~ covered local government may use any combination of methods; however, the following methods or practices will not be considered in the calculation for the region's waste reduction plan: as described in subparagraphs (2)(a) through (i) of this rule.

~~1. Incineration;~~

~~2. Unmarketed municipal solid waste compost;~~

~~3. Recovered materials (other than problem wastes) stored for recycling without being marketed as prescribed by rule 1200-1-7-.09(2)(b)3; and~~

~~4. Illegal or unauthorized storage or disposal of municipal solid waste.~~

~~(b) The twenty-five percent (25%) goal applies to only the waste that has been going to Class I landfills or municipal solid waste incinerators. Measurements of waste are to be based on the amount of waste entering a disposal facility prior to combustion or landfilling. Materials recovered or collected for recycling at these facilities prior to combustion or landfilling shall be weighed and deducted from the total amount being disposed.~~

~~(c) The region shall present its calculation of the twenty-five percent (25%) reduction on a per capita basis or the economic growth basis to be prescribed by the Department in accordance with paragraph (1) of this rule. The county waste reduction plan shall be the aggregate of the county government and all the covered local governments' waste reduction plans within the county.~~

~~(d) The region plan shall utilize the base year of 1995 for measuring waste reduction unless a region can demonstrate that the 1995 data is clearly in error. A region may receive credit toward the waste reduction goal from recycling and source reduction programs prior to 1995, but no earlier than 1985. The region shall notify in writing the Division Director of such an error and request approval of any adjustment to the 1995 data. All municipal solid waste planning regions shall submit a waste reduction plan that is an aggregate of all covered local governments' plans within the planning region. The municipal solid waste planning region's plan will be the aggregate of all covered local governments waste reduction plans within the solid waste planning region including all counties and municipalities within that solid waste planning region.~~

~~(e) Waste reduction plans in accordance with T.C.A. §68-211-815 will also contain at a minimum but not limited to:~~

~~1. Specific waste reduction programs currently offered;~~

~~2. A schedule of waste reduction programs and services to be offered with the implementation dates;~~

~~3. Plan for marketing commodities collected for recycling;~~

~~4. An assessment of infrastructures needed to implement the plan; and~~

~~5. A plan to manage debris during disaster situations that provides for waste reduction and diversion of material from landfills resulting from such disasters.~~

~~(e)(f) By March 31 of each year, each region~~ Each municipal solid waste planning region shall submit the aggregated waste reduction plan and an annual progress report to the ~~Division~~ Department in accordance with paragraph (6) of this rule. Pursuant to T.C.A. §§ 68-211-816 and 68-211-871, such reports shall include, at a minimum, the amount and type of recycled materials collected in the region.

- (g) To implement the new waste reduction goal, the Department shall require an update of all solid waste plans to be completed by June 30, 2015. This update will address all changes relating to the waste reduction and recycling goals defined in this Rule Chapter.
- (h) This waste reduction plan shall be a component of the region's municipal solid waste plan.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

- (4) ~~Qualitative Assessment Methods Accounting.~~ In accordance with T.C.A. § 68-211-874 covered local governments shall use an enterprise fund system of accounting for all solid waste programs, unless at the discretion of the Commissioner, a special revenue fund is allowed. The Commissioner may, at his discretion, allow a Special Revenue Fund system of accounting to be used for a particular solid waste program if he determines that the accounting discloses, at a minimum, all expenditures, all revenues, and the cost per household for solid waste services.

The SWAC discussed details of this concept however deferred recommendation pending more information from the Department on the accounting methodology. Some would like to have option of either Enterprise Fund or the Special Revenue fund option.

The SWAC after revisiting this subject from the April 14, 2009 meeting, agreed that this section could be moved forward as a recommendation to the Department as is.

- ~~(a) An assessment method shall be developed by the Department of Environment and Conservation and approved by the Municipal Solid Waste Advisory Committee. This assessment will be applied to Municipal Solid Waste Planning Regions that failed to meet the twenty-five percent (25%) waste reduction and diversion goal stated in T.C.A. §68-211-861(a) according to the 2003 Annual Progress Report submitted to the Division. The qualitative assessment will objectively assess the activities and expenditures of both the Municipal Solid Waste Planning Region and the local governments in the region to determine whether the region's program is qualitatively equivalent to other regions that meet the goal and whether the failure is due to factors beyond the control of the region.~~
- ~~(b) The qualitative assessment shall be done in the following two steps:~~
 - ~~1. The Department shall use the waste and diversion reported by the solid waste region for the most current reporting period to determine whether in that year twenty-five percent of the solid waste generated in that year was either diverted from class I facilities or recycled. If it was, the region meets the qualitative assessment and the department does not proceed to the next step.~~
 - ~~2. The Department shall evaluate the programs in those regions that do not satisfy subparagraph (2)(a) above to determine if they are qualitatively equivalent to those that did meet the 25% recycling and diversion goal by evaluating at least the following solid waste program activities for the most current reporting period, giving the first two items the greatest weight:~~
 - ~~(i) waste reduction and recycling programs and systems;~~
 - ~~(ii) waste diversion programs and systems;~~
 - ~~(iii) solid waste education programs and systems;~~
 - ~~(iv) waste collection and handling systems; and~~
 - ~~(v) solid waste program budgets and staffing.~~

~~The methodology shall make comparisons between regions that are similar as possible in terms of population and social-economic level to the region that failed to meet the goal.~~

(5) Enforcement

- (a) Except as provided in subparagraph (b), failure to comply with the applicable requirements of this rule will subject any entity to the penalties provided by T.C.A. §§ 68-211-816 and 68-211-861.
- (b) Covered local governments failing to meet the waste reduction or recycling goal after 2015 shall be reviewed by the Department. A determination will be made based on the following as to the course of action required by the covered local government to attain the goal.
 - 1. Covered local governments with Recycling Ratios of 15%-19% as calculated by subparagraph (1)(c). The covered local government will be notified of non-compliance. The Department shall qualitatively assess covered local governments failing to meet the established statewide waste reduction and local recycling goals. The Department shall determine and recommend waste reduction programs, best management practices, and activities to be implemented to improve the covered local government's waste reduction efforts. The covered local governments shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.
 - 2. Covered local governments with Recycling Ratios of 10% -14% as calculated by subparagraph (1)(c). The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of that covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.
 - 3. Covered local governments with Recycling Ratios of 0%-9% as calculated by subparagraph (1)(c). The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of the covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The Department shall set quarterly milestones to monitor the covered local government's progress towards the goal. Quarterly progress reports shall be made to the Department updating the milestone progress. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

(6) Reporting

- (a) Class I, Class III, and Class IV landfills shall report to the Department, on forms provided by the Department, the origin and tonnage (construction and demolition materials converted from cubic yards at 4 cubic yards per ton) on a quarterly basis within thirty (30) days after the end of the quarter.
- (b) All municipal solid waste planning regions shall submit by March 31st in the calendar year immediately following the reporting year their annual progress report. The covered local government may request in writing prior to the due date an additional thirty (30) days to submit all required information. Additional time may be granted by the Commissioner for good cause shown.

After discussion the SWAC agreed that this section could be moved forward as a recommendation to the Department as is.

TABLE 1

Category	Tier 1	Tier 2	Tier 3	Tier 4
Collection	At least one Convenience Center and or additional based on SWMA requirements	Add additional Convenience Centers to fully serve needs conveniently located around county, start moving towards higher level of service in populated areas	Curbside Higher level of service, mandatory countywide service	Curbside Higher level of service, mandatory countywide service Curbside recycling programs in place (Public or Private)
Disposal	Local or Regional Class I Landfill Disposal for Class I and III/IV waste	Local or Regional Class I and Class III/IV landfills disposal of waste by type to correct Landfill. Transfer Station, use of pit burners or air curtain destructors	One Transfer station, Class I waste going to class I facilities, Class III/IV waste going to Class III/IV facilities.	Class I disposal being directed to digesters or composters, or moving some waste to material derived fuels or WTE or other waste reduction conservation disposal program. Methane Recovery For Power At Landfill Work to only dispose of what is actually necessary and have no other location to send materials to.
Waste Reduction	A minimal recycling program to include at least a fiber category (cardboard, paper, etc.), Metal, and waste tires	Expand existing recycling program to include multiple fiber, multiple metal, white good materials, used oil and anti-freeze	Expand existing recycling program to include full spectrum of fiber and metals, include multiple types of plastics,	All traditional recyclables (Fiber, Metals, Plastics, Glass <when markets are available>, Tires, reusing oil in

Category	Tier 1	Tier 2	Tier 3	Tier 4
			glass recycling or management if end user available, white goods, Treat anti-freeze, used oil as recyclable or resource not waste	burners, Other non-traditional recyclables, Implementing many other waste reduction strategies (PAYT, product stewardship, WasteWise, LEEDS, etc.) Some curbside recycling (Public or Private)
Problem Wastes	Public or Private sites to collect and manage Lead Acid Batteries, Tires, Oil, other automotive fluids Host occasional Mobile HHW collection event	In addition to Tier 1, host yearly a mobile HHW collection event, Program to manage latex paint, e-scrap management	Smaller Permanent Household Hazardous Waste Facility, Used oil and anti-freeze management, e-scrap management through cooperative marketing, Latex paint management, gas cylinder management	Full Size Permanent Household Hazardous Waste Facility (may handle regional needs) Used oil and anti-freeze management, strong e-scrap recycling management program, Latex paint management, gas cylinder management
Education/Awareness	Signage at convenience centers, some K-12 promotion (can be through TN-SWEP)	Signage at convenience centers, some K-12 education (can be through TN-SWEP). Increased media materials, multimedia presentations, educate on e-waste and paint management.	K-12 education programs regularly administered, public service announcements, how-to and awareness campaigns, regular promotion of waste reduction, Regular use of programs like Recycle Guys, Adult targeted programs, Employee programs	K-12 curriculum and Programming Adult Programming Regular media outlets, Multi lingual education, Education centers available to educate on recycling (Public or Private)
Staff/	Solid Waste Director or Recycling Coordinator whose duties are at least 55% solid waste/waste reduction related.	Solid Waste Director or Recycling Coordinator whose duties are at least 75% solid waste/waste reduction related.	Solid Waste Director or Recycling Coordinator whose duties are at least 95% solid waste/waste reduction related.	Solid Waste Director/or Public Works Director with Solid Waste/and Recycling Sections Recycling

Category	Tier 1	Tier 2	Tier 3	Tier 4
				Coordinator
Composting/ Mulching	Not promoted, some composting or mulching may be present on a residential level	Low tech mulch operation operated by covered local government	Extensive Mulching Programs Some back yard composting operations, may be some vermiculture	Full Composting/ Mulching Operation Promoting back yard composting and vermiculture
Population Served	Low population, Very Rural Counties Minimum level of service	Fair to Moderate Population base, Larger more developed Rural counties	Moderate to Large Population base, Moderate to Large Counties with moderate to large urban influences	Large to Very Large Population Base, Larger very Urban Counties / Municipalities
Economic	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-851(a), 68-211-852, 68-211-853, 68-211-861.

Paragraph (1) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph and substituting the following language, so that, as amended, the paragraph shall read as follows:

(1) Purpose

- (a) This rule shall establish the minimum level of service which every county must provide in order to assure that all residents of a county are provided with collection and disposal service.
- (b) This rule shall establish minimum standards for the design and operation of convenience centers if such service is selected by a County.
- ~~(c) This rule shall establish the economic index and local matching rates for grant assistance to counties to establish and upgrade convenience centers.~~
- ~~(d)~~(c) This rule shall establish requirements for operation and use of county public collection receptacles for municipal solid waste.

Paragraph (5) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph in its entirety and renumbering the remaining paragraphs in the Rule.

~~(5) Economic Index~~

- ~~(a) Matching rates for convenience center grants shall be determined using the mean of a county's rank for equalized property tax generation and per capita income. Property tax generation shall be the equalized value of property as published in the Tennessee State Tax Aggregate Report by the State Board of Equalization. Per capita income shall be~~

~~the income figure published by the United States Department of Commerce, Bureau of Economic Analysis.~~

~~(b) The Department shall issue annually in March the County ranking based on this mean.~~

~~(c) The local share required to match grant funds shall be 10% for those counties in the lower one half (½) of the economic index. Those counties in the upper one half (½) of the economic index shall be required to provide a 20% local match.~~

Subparagraph (a) of paragraph (6) of Rule 1200-01-07-.10 Convenience Center/County Public Collection Receptacles is amended by deleting the current subparagraph and substituting the following language, so that, as amended the subparagraph shall read as follows:

- (a) ~~By March 31 of each year, e~~Each county which maintains and uses receptacles for the collection of municipal solid waste from the general public at sites separate from a convenience center shall ~~develop a plan for the elimination or conversion to manned convenience centers as defined in paragraph (2) of Rule 1200-01-07-.01 by June 30, 2015 to be implemented by June 30, 2020. The county will include the following information as part of the Solid Waste Region's municipal solid waste planning region's annual report (which is submitted to the Department) until said collection receptacles are eliminated or converted:~~
1. The number of receptacles in the County;
 2. The location of all receptacles ~~by street address and geo-code (longitude and latitude);~~
 3. Collection times for such receptacles; and
 4. Operation procedures and security measures adopted and enforced to maintain and service the receptacles and to ensure the protection of public health and safety. Such information ~~is required by~~ this part must be in the form of a narrative manual and meet the minimum requirements of subparagraph (b) ~~of this paragraph.~~

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-105(b), 68-211-851(a), and 68-211-853.

End Note Sources:

Please refer to the following original source documents for cross reference and context for all summarized comments noted above.